

Felice FRAGOLA  
Appl. No. 09/937,709  
February 2, 2004

### REMARKS

The drawings have objected to under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims, e.g., the washer in claim 18, the writing, the signs, protective film and laser-marking in claims 40-42, 45 and 46. There is submitted herewith a proposed additional sheet of drawing showing new Figures 21, 22 and 23 thereon which illustrate the features in claims 18, 40-42, 45 and 46. The specification has been amended at pages 6 and 24 to describe the features shown in new Figures 21, 22 and 23 of the proposed new sheet of drawing.

Claims 1-18, 37 and 40-46 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that "said supporting and sealing means comprise an upper and a lower support and sealing operatively joined together" is not described in the specification for the elected species XI (Fig. 18). It is noted that claim 1 has been amended to omit this language and includes terminology that is fully supported by the specification in the present application. Also, the specification has been amended to describe the protective film 152 in claims 41 and 42. Accordingly, the rejection of claims 1-18, 37 and 40-46 under 35 U.S.C. 112 should now be obviated.

Claims 1-12, 43 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (EP 532 367). For the reasons set forth hereinafter, it is submitted that amended claim 1 and dependent claims 3-12, 43 and 44 are not rendered obvious by the teachings of Murray.

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Claim 1, as currently amended, and all of the dependent claims call for the supporting and sealing means as comprising a substantially cylindrical hollow body having an open upper end and a closed lower end, and first and second outwardly extending generally annular shoulders at the upper and lower ends, respectively, and the plastic material of the covering body filling the interior cavity of the hollow body and extending between the first and second shoulders, whereby the covering body is supported in a longitudinal direction by the shoulders to prevent elongation of the plastic material. This novel closure construction is not disclosed or rendered obvious by Murray which discloses in Fig. 7 a substantially rigid supporting and sealing means 27, 31 and 35 that is surrounded by a covering body 4 made of a cork material. It is noted that the closure of Murray is closed at the upper end by the substantially rigid supporting and sealing means and thus is not constructed to be opened by a cork screw which is a very important feature for closures for wine bottles or the like. In Applicant's closure, on the other hand, the supporting and sealing means comprises a substantially cylindrical hollow body having an open upper end which is filled with the flexible and resilient plastic material of the covering body. Also, the covering body is supported in a longitudinal direction by the outwardly extending annular shoulders of the supporting and sealing means to prevent elongation of the plastic material of the covering body. This novel construction is significantly different from the closure of Murray.

It is submitted that claim 1, as currently amended, does not involve new issues for the reason that it includes features already recited in the dependent claims, such as claim

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37. Accordingly, the current amendments to claim 1 should be entered and claim 1 and the dependent claims should be allowed.

Claims 13-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Lauer et al. (6,221,415) and McTeer et al. (6,455,424). The Examiner cited Lauer et al. for its teaching of a barrier made of glass, and McTeer et al. for its teaching of a barrier made of gold. Other than these teachings, Lauer et al. and McTeer et al. fail to add anything of significance to the teachings of Murray with respect to the novel recitations in claims 13-18 which are dependent on claim 1, as currently amended. Accordingly, it is submitted that claims 13-18 are allowable for the reasons submitted herein with respect to the rejection of claims 1-12, 43 and 44.

Claims 40, 45 and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Burns (5,710,184) or Taylor (4,812,317). Burns and Taylor were cited for their teaching of writing on a closure. Other than this narrow disclosure, neither Burns nor Taylor adds anything of significance to Murray with respect to the novel limitations in claims 40, 45 and 46 which are dependent on claim 1, as currently amended. Accordingly, it is submitted that claims 40, 45 and 46 are allowable for the reasons submitted herein with respect to the rejection of claims 1-12, 43 and 44.

Claims 41 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cook (6,202,878). The Examiner has cited Cook for its disclosure of a closure having a protective film. Other than this limited disclosure, Cook fails to add anything of significance to Murray with respect to the novel limitations in


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claims 41 and 42 which are dependent on claim 1 as currently amended. Accordingly, it is submitted that claims 41 and 42 are allowable for the reasons submitted herein with respect to the rejection of claims 1-12, 43 and 44.

In view of the above amendments and remarks, claim 1, as currently amended, and dependent claims 3-18, 37 and 40-46 clearly are allowable over the teachings of the cited references, taken individually or in combination. Prompt allowance of the amended claims, therefore, is earnestly solicited.

Respectfully submitted,

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